

AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions and listings of claims in this application.

LISTING OF CLAIMS:

1. (Currently Amended) An isolated nucleotide sequence selected from the following:
 - (a) an isolated nucleic acid sequence consisting of nucleotides -3359 to -1 of SEQ ID NO:1;
 - (b) an isolated nucleic acid sequence, wherein no more than 5 nucleotides have been added to, deleted from, or substituted in the isolated nucleic acid of (a), and wherein said isolated nucleic acid sequence enhances expression of a structural gene located downstream of said isolated nucleic acid sequence; or
 - (c) an isolated nucleic acid sequence which hybridizes to the isolated nucleic acid sequence of (a) ~~under stringent conditions, at~~ 65°C in a solution containing 5xSSC, 0.5% SDS, 5x Dernhardt's solution and 500µg/ml Salmon sperm DNA, followed by three washings for 15 minutes each at 25°C in 2xSSC and then three washings for 15 minutes each at 65°C in 2xSSC containing 0.1% SDS, and wherein said isolated nucleic acid sequence enhances expression of a structural gene located downstream of said isolated nucleic acid sequence.

2-11. Withdrawn.

12. A plasmid comprising the isolated nucleotide sequence of Claim 1.

13-14. Withdrawn.

15. (Currently Amended) A transgenic plant cell comprising the plasmid of Claim 12;
~~wherein incorporation of said plasmid into said plant cell activates expression of a~~
~~structural gene located downstream of said isolated nucleotide sequence of said~~
~~plasmid.~~

16-17. Withdrawn.

18. (Currently Amended) A transgenic plant comprising the plasmid of Claim 12;
~~wherein incorporation of said plasmid into said plant activates expression of a~~
~~structural gene located downstream of said isolated nucleotide sequence of said~~
~~plasmid.~~

19-20. Withdrawn.

21. A method for activating expression of an exogenous structural gene or an endogenous structural gene in a plant, wherein said method comprises incorporating the plasmid of Claim 12 upstream of said exogenous structural gene or said endogenous structural gene.
22. (Currently Amended) An isolated nucleic acid sequence which exhibits 90% ~~homology~~ sequence identity with an isolated nucleic acid sequence of Claim 1.